IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

SA.No. 931 of 1994(C)

AS.50/1991 of I ADDL. DISTRICT COURT, PALAKKAD
OS.124/1986 of PRL.MUNSIFF COURT, PALAKKAD

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APPELLANTS:
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1. VELLACHI, WIDOW OF VELAN.

2. CHANI, S/O.VELLACHI.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

RESPONDENTS:

MOIDEEN, S/O.MOHAMMEDKUTTY RAWTHER,
RESIDING AT KOPPANNUR, ELAPULLI AMSOM,
PALAKKAD TALUK. (DIED)

2. NOORJAHAN, WIDOW OF MOIDEEN.

3. AZEEZ, S/O.LATE MOIDEEN.

4. AZHAR, S/O.LATE MOIDEEN.

5. AYUB, S/O.LATE MOIDEEN.

6. HAKEEM, S/O.LATE MOIDEEN.

7. ANSARI, S/O.LATE MOIDEEN.
ALL ARE RESIDING AT KOPPANUR, ELAPULLI
AMSOM, PALAKKAD TALUK.

(SUPPL. RESPONDENTS 2 TO 6 ARE IMPLEADED AS THE LRS OF DECEASED SOLE RESPONDENT AS PER ORDER DT. 1/6/07 IN IA.283/01)

BY ADV. SRI.A.P.CHANDRASEKHARAN
SRI.G.SREEKUMAR (CHELUR)
SRI.K.S.SEBASTINE
SRI.H.BADARUDDIN (FOR R5)

THIS SECOND APPEAL HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

S.A.NO. 931 OF 1994

Dated 2nd November 2007

J U D G M E N T

Learned counsel appearing for appellants submitted that subsequent to filing of the appeal respondent died and legal heirs of the respondent are not attempting to trespass into the plaint schedule property and appellants do not have any apprehension of a trespass by them. Learned counsel also submitted that appellants are now in possession of the entire building and in such circumstances appeal may be disposed. Recording the submission appeal disposed accordingly. No cost.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.

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M.SASIDHARAN NAMBIAR,J.

JUDGMENT

S.A.NO.931 OF 1994

2nd November 2007

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